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February 9, 2005

**VIA HAND DELIVERY**

Mr. Charles L. A. Terreni  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
Synergy Business Park, The Saluda Building  
101 Executive Center Drive  
Columbia, South Carolina 29210

RECEIVED  
2005 FEB -9 PM 12: 56  
SC PUBLIC SERVICE  
COMMISSION

**Re: BellSouth Telecommunications, Inc. Transit Traffic Tariff**

Dear Mr. Terreni:

Enclosed for filing on behalf of the South Carolina Telephone Coalition ("SCTC") please find an original and ten (10) copies of a Petition to Intervene and Request to Suspend Tariff Filing Pending Investigation and Resolution of Intercarrier Arrangement and Compensation Issues.

For the reasons stated in the Petition, we are asking that the Commission suspend this tariff before it is allowed to go into effect on BellSouth's proposed effective date of February 16, 2005. Allowing the tariff to go into effect on that date could have a material adverse financial impact on rural telephone companies. We believe it is essential to address and resolve these issues before a tariff is allowed to go into effect. Furthermore, for the reasons stated in the Petition, we do not believe this intercarrier matter can appropriately be handled through a one-sided tariff filing.

We understand that, due to an out-of-town NARUC meeting, the Commission will not meet again until February 17, 2005. We therefore ask that our request for suspension be taken up on an expedited emergency basis through a special Commission meeting prior to that time. In order to give BellSouth time to respond to our Petition, we ask that the Commission temporarily suspend the tariff filing until the Commission's next regularly-scheduled agenda session, at which time it can take up the Petition on its merits along with any response BellSouth may wish to make.

Charles A. Terreni

February 9, 2005

Page 2

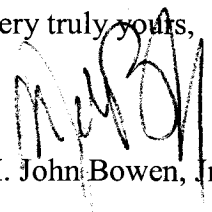
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Alternatively, in the event the Commission denies the SCTC's request to suspend the tariff, we respectfully request that the Commission (1) forbear from applying the tariff to rural telephone companies until such time as the complex issues surrounding the tariff are resolved; or (2) make the tariff conditional and subject to refunds for any payments made prior to final resolution of the issues involved.

Please clock in a copy of this letter and return it with our courier.

Thank you for your assistance.

Very truly yours,



M. John Bowen, Jr.

MJB/rwm

Enclosures

cc: C. Dukes Scott, Esquire  
Florence P. Belser, Esquire  
Patrick W. Turner, Esquire

173174

BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF  
SOUTH CAROLINA

Docket No. 2005-63C

IN RE: BellSouth Telecommunications, Inc.  
Transit Traffic Tariff

**ACCEPTED**  
Legal 202 2-10-05

**FILED** 1603-1885

**RECEIVED**  
FEB 10 2005  
PSC SC  
DOCKETING DEPT.

SC PUBLIC SERVICE  
COMMISSION

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**PETITION TO INTERVENE AND REQUEST TO SUSPEND TARIFF FILING PENDING  
INVESTIGATION AND RESOLUTION OF INTERCARRIER ARRANGEMENT AND  
COMPENSATION ISSUES**

The South Carolina Telephone Coalition ("SCTC") respectfully submit the within  
Petition to Intervene and Request to Suspend Tariff Filing in the above-referenced matter. In  
support of its Petition, the SCTC would respectfully show unto this honorable Commission:

1. On February 2, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed with  
the Public Service Commission of South Carolina ("Commission") a proposed tariff that contains  
rates, terms and conditions for telecommunications carriers sending and receiving Transit Traffic  
via the BellSouth network.

2. SCTC is a coalition of incumbent local exchange telephone companies organized  
and doing business under the laws of the State of South Carolina. SCTC's members are telephone  
companies or telephone cooperatives subject to the jurisdiction of this Commission. A list of  
companies on whose behalf the SCTC is intervening in this matter is attached hereto as "Exhibit  
A."

3. The SCTC seeks to intervene in this proceeding with full rights to participate as a party of record in so far as its interests might appear.

4. The SCTC's position with respect to this matter is that the tariff filed by BellSouth would have a severe adverse impact on the individual SCTC member companies and their subscribers, and that the tariff cannot be allowed to go into effect without a full and fair discussion and resolution of the intercarrier issues involved in this matter.

5. According to the proposed tariff filed by BellSouth, SCTC members do not have a choice as to whether or not they will "purchase" BellSouth's Transit Traffic service. Through interconnection agreements, BellSouth has permitted competitive local exchange carriers ("CLECs") to interconnect with BellSouth and has agreed to perform a transiting function for those CLECs so that the CLECs can exchange traffic indirectly with SCTC member companies. These contractual arrangements, to which the individual SCTC member companies are not parties, allow a CLEC to exchange traffic with a SCTC member company on an indirect basis without establishing a point of interconnection ("POI") on the SCTC member company's network. In some cases, the SCTC member company may not even be aware that it is exchanging traffic with the CLEC.

6. Being required to pay for a transiting function that was imposed through no choice of the individual SCTC member companies could have a severe adverse economic impact on the individual SCTC member companies and their customers.

7. BellSouth previously proposed that the SCTC member companies enter into agreements with BellSouth. However, both the proposed agreements and the proposed tariff pre-determine which party will be responsible for transit tariff charges (i.e., the originating party). As noted above, this is not acceptable to the SCTC individual member companies, because they have not chosen this method of indirect connection and should not be responsible for the associated

costs.

8. BellSouth's Transit Tariff filing involves complex intercarrier arrangement and compensation issues that must be addressed and resolved by the Commission prior to allowing the tariff to go into effect. This is not a tariff filing that can be treated like a simple end user tariff filing under BellSouth's alternative regulation authority. Instead, it proposes to impose rates, terms, and conditions upon other telecommunications carriers without an opportunity for discussion and resolution of the complex issues involved. BellSouth's filing presupposes a resolution as to which carriers will be responsible for the transiting charges and what those transiting charges will be.

9. The Commission has jurisdiction pursuant to S.C. Code Ann. § 58-3-170, § 58-9-210, and other applicable state and federal statutes and regulations to address such intercarrier issues. Furthermore, BellSouth's provision of transit is directly related to the manner in which BellSouth has chosen to fulfill its interconnection obligations under 47 U.S.C. § 251. Thus, the rates, terms, and conditions for such service are not properly established by tariff, and it is appropriate for the Commission to suspend the tariff pending a discussion and resolution of the issues.

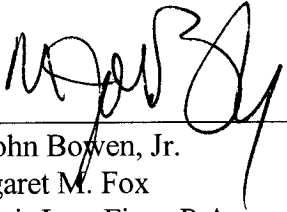
10. The SCTC respectfully requests that the tariff filing be suspended, and that the parties be directed to negotiate or mediate a resolution to the intercarrier issues surrounding the tariff filing.

11. Correspondence and communications to SCTC with respect to this proceeding should be directed to the undersigned counsel.

WHEREFORE, the South Carolina Telephone Coalition respectfully requests that this honorable Commission permit its intervention in this proceeding as its interests might appear; and

suspend BellSouth's proposed Transit Tariff filing pending a full and fair discussion and resolution, through negotiation or mediation, of the complex intercarrier issues surrounding the tariff filing.

Respectfully submitted,

By:   
M. John Bowen, Jr.  
Margaret M. Fox  
McNair Law Firm, P.A.  
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Columbia, South Carolina 29211  
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ATTORNEYS FOR THE SOUTH  
CAROLINA TELEPHONE COALITION

Columbia, South Carolina  
February 9, 2005

## **EXHIBIT A**

### **South Carolina Telephone Coalition Member Companies**

Bluffton Telephone Company, Inc.  
Chesnee Telephone Company  
Chester Telephone Company  
Farmers Telephone Cooperative, Inc.  
Ft. Mill Telephone Company, d/b/a Comporium Communications, Inc.  
Hargray Telephone Company, Inc.  
Home Telephone Company, Inc.  
Horry Telephone Cooperative, Inc.  
Lancaster Telephone Company, d/b/a Comporium Communications, Inc.  
Lockhart Telephone Company  
McClellanville Telephone Company  
Norway Telephone Company  
Palmetto Rural Telephone Cooperative, Inc.  
Piedmont Rural Telephone Cooperative, Inc.  
PBT Telecom, Inc.  
Ridgeway Telephone Company  
Rock Hill Telephone Company, d/b/a Comporium Communications, Inc.  
Sandhill Telephone Cooperative, Inc.  
St. Stephen Telephone Company  
West Carolina Rural Telephone Cooperative, Inc.  
Williston Telephone Company

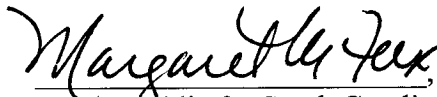
## VERIFICATION

I, Matthew L. Dosch, first being duly sworn, depose and say that I am a Vice President of Rock Hill Telephone Company, D/B/A Comporium Communications, a member of the South Carolina Telephone Coalition; that I have read the foregoing Petition to Intervene and Request to Suspend Tariff Filing Pending Investigation and Resolution of Inter-carrier Arrangement and Compensation Issues and know the contents thereof; and that said contents are true.

  
Matthew L. Dosch

SWORN to before me this

9<sup>th</sup> day of February, 2005.

, L.S.  
Notary Public for South Carolina  
My Commission expires: Aug 1, 2010

